

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----  
RAY WILLIAMS,

Plaintiff,

vs

9:06-CV-178

R. CALIDONNA, Assistant Food Service Director,  
Midstate Correction Facility; LT. G. LAWRENCE,  
Security Housing Lt., Midstate Correction Facility;  
DEPUTY SUPT. JAMES NICHOLS, Midstate  
Correction Facility; K. BUTTIMER, Assistant  
Recreation Aid, Midstate Correction Facility;  
MS. T. VIRKLER, Midstate Correction Facility  
Grievance Director; INFORMANT/AGENT #1,  
Midstate Correction Facility; INFORMANT/AGENT #2,  
Midstate Correction Facility; INFORMANT/AGENT #3,  
Midstate Correction Facility,

Defendants.  
-----

APPEARANCES:

OF COUNSEL:

RAY WILLIAMS  
Plaintiff, Pro Se  
99-A-6603  
Mohawk Correctional Facility  
P.O. Box 8451  
Rome, NY 13440

HON. ANDREW M. CUOMO  
Attorney General for the  
State of New York  
Attorneys for the Defendants  
The Capitol  
Albany, NY 12224

MEGAN M. BROWN, ESQ.  
JUSTIN C. LEVIN, ESQ.  
Asst. Attorneys General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Ray Williams, brought this civil rights action pursuant to 42 U.S.C. § 1983.

By Report-Recommendation dated September 11, 2008, the Honorable Randolph F. Treece,

United States Magistrate Judge, recommended that the plaintiff's motion for summary judgment (Dkt. No. 37) be denied; that defendants' cross motion for summary judgment (Docket No. 43) be granted; and that the plaintiff's complaint be dismissed. Objections to the Report-Recommendation have not been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

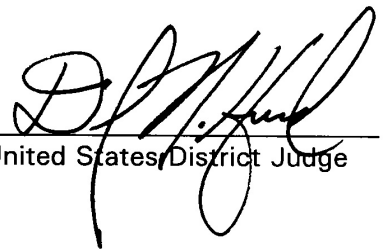
ORDERED that

1. Plaintiff's motion for summary judgment (Docket No. 37) is DENIED;
2. Defendants' cross motion for summary judgment (Docket No. 43) is GRANTED;
3. Plaintiff's complaint is DISMISSED.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: October 21, 2008  
Utica, New York.

  
United States District Judge